

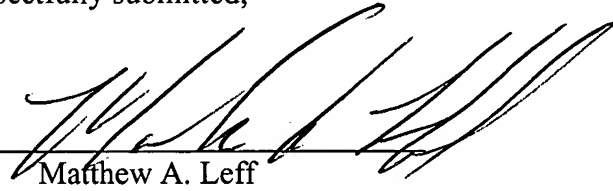
**REMARKS**

Applicants have amended the specification to reference the prior filed applications from which the instant application claims benefit. Applicants respectfully contend that the requirements for submitting such an amendment under 37 C.F.R. §1.78(a)(2)(ii) and (a)(3) should be waived because the U.S. PTO has recognized the claim for benefit on the Filing Receipt (copy of which is attached). Applicants note that the Notice on Claiming the Benefit of Prior-Filed Applications from Deputy Commissioner Stephan Kunin dated February 24, 2003 specifically states that the requirements under 37 C.F.R. §1.78(a)(3)(ii) and (iii) will be waived if the "information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt."

If a telephonic communication with the Applicants' representative will advance the prosecution of the instant application, please telephone the representative indicated below. Applicants believe no additional fees are due but the Commissioner is authorized to charge any fees required in connection with this amendment to Merck Deposit Account No. 13-2755.

Respectfully submitted,

By



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Date: August 11, 2005



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/509,959	10/04/2004	1624	1750	21073YP		20	2

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 MERCK AND CO., INC  
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**DOCKETED**  
 APR 28 2005  
 KATHY KLUTKOWSKI

CONFIRMATION NO. 3822

## FILING RECEIPT



\*OC000000015781501\*

Date Mailed: 04/21/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

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APR 29 2005

PATENT DEPARTMENT

**Power of Attorney:** The patent practitioners associated with Customer Number 210.

## Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/10342 04/04/2003  
 which claims benefit of 60/370,842 04/08/2002

## Foreign Applications

**Projected Publication Date:** 07/28/2005

**Non-Publication Request:** No

**Early Publication Request:** No

## Title

Inhibitors of akt activity

**Preliminary Class**

544

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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